

SENATE BILL 369

Unofficial Copy
E1

2003 Regular Session
3r0509

By: ~~Senator Giannetti~~ Senators Giannetti and Greenip, and Astle, Brinkley, Colburn, Conway, DeGrange, Dyson, Garagiola, Green, Hafer, Haines, Harris, Hogan, Hooper, Jacobs, Jimeno, Kittleman, Klausmeier, Kramer, Munson, Ruben, Schrader, Stoltzfus, and Teitelbaum

Introduced and read first time: January 31, 2003
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 28, 2003

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law - Assault Against a Law Enforcement Officer - Penalties**

3 FOR the purpose of establishing the ~~crimes~~ crime of assault against a certain law
4 enforcement officer ~~in the first and as an assault in the second degrees~~ degree;
5 prohibiting a person from intentionally causing or attempting to cause ~~serious~~
6 physical injury to another person knowing or having reason to know that the
7 other person is a certain law enforcement officer engaged in the performance of
8 certain duties; ~~prohibiting a person from committing an assault with certain~~
9 ~~firearms against certain persons; prohibiting a person from committing an~~
10 ~~assault against another person knowing or having reason to know that the other~~
11 ~~person is a certain law enforcement officer; providing that the District Court has~~
12 jurisdiction that is concurrent with a circuit court in certain criminal cases
13 involving assault against certain law enforcement officers; establishing certain
14 penalties; defining a certain term; and generally relating to assault against
15 certain law enforcement officers.

16 BY repealing and reenacting, with amendments,
17 Article - Criminal Law
18 Section 3-201, 3-202, and 3-203
19 Annotated Code of Maryland
20 (2002 Volume)

21 ~~BY adding to~~
22 ~~Article - Criminal Law~~

1 ~~Section 3-203.1 and 3-203.2~~
2 ~~Annotated Code of Maryland~~
3 ~~(2002 Volume)~~

4 BY repealing and reenacting, with amendments,
5 Article - Courts and Judicial Proceedings
6 Section 4-301(b)(17) and (18) and 4-302(a) and (d)(1)
7 Annotated Code of Maryland
8 (2002 Replacement Volume)

9 BY adding to
10 Article - Courts and Judicial Proceedings
11 Section 4-301(b)(19)
12 Annotated Code of Maryland
13 (2002 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Criminal Law**

17 3-201.

18 (a) In this subtitle the following words have the meanings indicated.

19 (b) "Assault" means the crimes of assault, battery, and assault and battery,
20 which retain their judicially determined meanings.

21 (c) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101 OF
22 THE PUBLIC SAFETY ARTICLE.

23 (D) "Serious physical injury" means physical injury that:

24 (1) creates a substantial risk of death; or

25 (2) causes permanent or protracted serious:

26 (i) disfigurement;

27 (ii) loss of the function of any bodily member or organ; or

28 (iii) impairment of the function of any bodily member or organ.

29 3-202.

30 (a) (1) A person may not intentionally cause or attempt to cause serious
31 physical injury to another.

1 (2) A person may not commit an assault with a firearm, including:

2 (i) a handgun, antique firearm, rifle, shotgun, short-barreled
3 shotgun, or short-barreled rifle, as those terms are defined in § 4-201 of this article;

4 (ii) an assault pistol, as defined in § 4-301 of this article;

5 (iii) a machine gun, as defined in § 4-401 of this article; and

6 (iv) a regulated firearm, as defined in [Article 27, § 441 of the
7 Code] § 5-101 OF THE PUBLIC SAFETY ARTICLE.

8 (b) ~~[A] EXCEPT AS PROVIDED IN § 3-203.1 OF THIS SUBTITLE,~~ A person who
9 violates this section is guilty of the felony of assault in the first degree and on
10 conviction is subject to imprisonment not exceeding 25 years.

11 ~~3-203.~~

12 (a) A person may not commit an assault.

13 (b) ~~[A] EXCEPT AS PROVIDED IN § 3-203.2 OF THIS SUBTITLE~~ SUBSECTION (C)
14 OF THIS SECTION, A person who violates SUBSECTION (A) OF this section is guilty of
15 the misdemeanor of assault in the second degree and on conviction is subject to
16 imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.

17 (C) (1) A PERSON MAY NOT INTENTIONALLY CAUSE OR ATTEMPT TO CAUSE
18 PHYSICAL INJURY TO ANOTHER PERSON IF THE PERSON KNOWS OR HAS REASON TO
19 KNOW THAT THE OTHER PERSON IS A LAW ENFORCEMENT OFFICER ENGAGED IN
20 THE PERFORMANCE OF THE OFFICER'S OFFICIAL DUTIES.

21 (2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS
22 GUILTY OF THE FELONY OF SECOND DEGREE ASSAULT AND ON CONVICTION IS
23 SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING
24 \$5,000 OR BOTH.

25 ~~3-203.1.~~

26 ~~(A) (1) A PERSON MAY NOT INTENTIONALLY CAUSE OR ATTEMPT TO CAUSE~~
27 ~~SERIOUS PHYSICAL INJURY TO ANOTHER PERSON KNOWING OR HAVING REASON TO~~
28 ~~KNOW THAT THE OTHER PERSON IS A LAW ENFORCEMENT OFFICER.~~

29 ~~(2) A PERSON MAY NOT COMMIT AN ASSAULT WITH A FIREARM AGAINST~~
30 ~~ANOTHER PERSON KNOWING OR HAVING REASON TO KNOW THAT THE OTHER~~
31 ~~PERSON IS A LAW ENFORCEMENT OFFICER, INCLUDING WITH:~~

32 ~~(I) A HANDGUN, ANTIQUE FIREARM, RIFLE, SHOTGUN,~~
33 ~~SHORT-BARRELED SHOTGUN, OR SHORT-BARRELED RIFLE, AS THOSE TERMS ARE~~
34 ~~DEFINED IN § 4-201 OF THIS ARTICLE;~~

35 ~~(II) AN ASSAULT PISTOL, AS DEFINED IN § 4-301 OF THIS ARTICLE;~~

1 (III) A MACHINE GUN, AS DEFINED IN § 4 401 OF THIS ARTICLE; AND

2 (IV) A REGULATED FIREARM, AS DEFINED IN § 5 101 OF THE PUBLIC
3 SAFETY ARTICLE.

4 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF
5 ASSAULT AGAINST A LAW ENFORCEMENT OFFICER IN THE FIRST DEGREE AND ON
6 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 YEARS.

7 ~~3-203.2.~~

8 (A) A PERSON MAY NOT COMMIT AN ASSAULT AGAINST ANOTHER PERSON
9 KNOWING OR HAVING REASON TO KNOW THAT THE OTHER PERSON IS A LAW
10 ENFORCEMENT OFFICER.

11 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE
12 MISDEMEANOR OF ASSAULT AGAINST A LAW ENFORCEMENT OFFICER IN THE
13 SECOND DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
14 EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

15 **Article - Courts and Judicial Proceedings**

16 4-301.

17 (b) Except as provided in § 4-302 of this subtitle, the District Court also has
18 exclusive original jurisdiction in a criminal case in which a person at least 18 years
19 old or a corporation is charged with:

20 (17) Violation of § 20-102 of the Transportation Article, whether a felony
21 or misdemeanor; [or]

22 (18) Violation of § 8-801 of the Criminal Law Article; OR

23 (19) VIOLATION OF § 3-203(C) OF THE CRIMINAL LAW ARTICLE.

24 4-302.

25 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),
26 (14), (15), (16), (17), [and] (18), AND (19) of this subtitle, the District Court does not
27 have jurisdiction to try a criminal case charging the commission of a felony.

28 (d) (1) Except as provided in paragraph (2) of this subsection, the
29 jurisdiction of the District Court is concurrent with that of the circuit court in a
30 criminal case:

31 (i) In which the penalty may be confinement for 3 years or more or
32 a fine of \$2,500 or more; or

33 (ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),
34 (10), (11), (12), (13), (14), (15), (16), (17), [and] (18), AND (19) of this subtitle.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2003.